

STATE OF NEW YORK

4395

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. B. MILLER, FINCH -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the executive law, in relation to creating a veterans' clearinghouse for purposes of identifying veterans eligible for benefits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The executive law is amended by adding a new section 355-a
2 to read as follows:

3 § 355-a. Veterans' clearinghouse. 1. The division is hereby directed
4 to create and maintain a centralized database, to be known as the veter-
5 ans' clearinghouse, which shall collect information relating to the
6 identification of veterans residing in the state and the state or feder-
7 al benefits received or available to veterans so identified.

8 2. The division shall enter into a memorandum of understanding with
9 the United States department of veterans' affairs that allows for the
10 sharing of information relating to the identification of veterans resid-
11 ing in the state who are receiving or eligible for federal veterans'
12 benefits.

13 3. All departments, divisions, bureaus, boards, commissions and agen-
14 cies of the state and political subdivisions thereof, which provide
15 assistance or other benefits to individuals, when the provision of such
16 assistance or benefits is related to the recipient's veteran status or
17 military experiences, shall request that such assisted persons provide
18 information with regard to their veteran status and military experiences
19 and shall report such information to the division for inclusion in the
20 veterans' clearinghouse. Such information sharing shall be for the
21 purposes of allowing the division to (a) examine whether any such veter-
22 ans are eligible for federal or state benefits, and (b) formulate poli-
23 cies that assist such veterans in obtaining such benefits. Individuals
24 identifying themselves as veterans shall be advised that the division

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 and local veterans' service agencies established pursuant to section
2 three hundred fifty-seven of this article provide assistance to veterans
3 regarding benefits under federal and state law.

4 4. The departments, divisions, bureaus, boards, commissions and agen-
5 cies of the state and political subdivisions thereof, which are required
6 to report information to the division for inclusion in the veterans'
7 clearinghouse pursuant to subdivision three of this section, shall
8 submit such a report on a quarterly basis in a form and manner to be
9 determined by the state director.

10 5. The departments, divisions, bureaus, boards, commissions and agen-
11 cies of the state and political subdivisions thereof, which are required
12 to report information to the division for inclusion in the veterans'
13 clearinghouse pursuant to subdivision three of this section, shall
14 include, but shall not be limited to, those departments, divisions,
15 bureaus, boards, commissions and agencies of the state and political
16 subdivisions thereof, which are subject to the requirements of section
17 three hundred fifty-four-a of this article, and:

18 (a) the division of military and naval affairs;

19 (b) local assessor units, which shall be required to report informa-
20 tion regarding owners of real property who are recipients of the real
21 property tax exemption provided by section four hundred fifty-eight or
22 four hundred fifty-eight-a of the real property tax law;

23 (c) the higher education services corporation, which shall be required
24 to report information regarding the identity of any recipients of the
25 veterans' tuition award provided by section six hundred sixty-nine-a of
26 the education law;

27 (d) the board of visitors of each state veterans' home, which shall be
28 required to report information regarding the identity of residents of
29 each home admitted pursuant to section twenty-six hundred thirty-two of
30 the public health law; and

31 (e) county and city veterans' service agencies.

32 6. Information regarding veterans' status and military service
33 provided by assisted persons solely to implement this section shall be
34 protected as personal confidential information under article six-A of
35 the public officers law against disclosure of confidential material, and
36 used only to assist in the diagnosis, treatment, assessment and handling
37 of the veteran's problems within the agency requesting such information
38 and in referring the veteran to the division for information and assist-
39 ance with regard to benefits and entitlements under federal and state
40 law.

41 7. The division shall collect and maintain information concerning such
42 veterans in accordance with law and the federal Health Insurance Porta-
43 bility and Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended
44 from time to time, or regulations adopted thereunder.

45 8. The state director shall promulgate rules and regulations to
46 provide for the implementation of the provisions of this section.

47 § 2. Section 354-a of the executive law, as amended by section 95 of
48 subpart B of part C of chapter 62 of the laws of 2011, is amended to
49 read as follows:

50 § 354-a. Information on status of veterans receiving assistance.
51 Departments, divisions, bureaus, boards, commissions and agencies of the
52 state and political subdivisions thereof, which provide assistance,
53 treatment, counseling, care, supervision or custody in service areas
54 involving health, mental health, family services, criminal justice or
55 employment, including but not limited to the office of alcoholism and
56 substance abuse services, office of mental health, office of probation

1 and correctional alternatives, office of children and family services,
2 office of temporary and disability assistance, department of health,
3 department of labor, local workforce investment boards, office for
4 people with developmental disabilities, and department of corrections
5 and community supervision, shall request assisted persons to provide
6 information with regard to their veteran status and military experi-
7 ences. Individuals identifying themselves as veterans shall be advised
8 that the division [~~of veterans' affairs~~] and local veterans' service
9 agencies established pursuant to section three hundred fifty-seven of
10 this article provide assistance to veterans regarding benefits under
11 federal and state law. Information regarding veterans status and mili-
12 tary service provided by assisted persons solely to implement this
13 section shall be protected as personal confidential information under
14 article six-A of the public officers law against disclosure of confiden-
15 tial material, and used only to assist in the diagnosis, treatment,
16 assessment and handling of the veteran's problems within the agency
17 requesting such information and in referring the veteran to the division
18 of veterans' affairs for information and assistance with regard to bene-
19 fits and entitlements under federal and state law. Information provided
20 to the division pursuant to this section shall be included in the veter-
21 ans' clearinghouse established pursuant to section three hundred fifty-
22 five-a of this article.

23 § 3. This act shall take effect on the ninetieth day after it shall
24 have become a law. Effective immediately, the addition, amendment and/or
25 repeal of any rule or regulation necessary for the implementation of
26 this act on its effective date are authorized to be made and completed
27 on or before such effective date.